

17-16-7 Deputies and employees -- Appointments -- County legislative body consent power -- Liability of principal -- Deputy may serve despite vacancy in office of appointing officer.

- (1)
 - (a) A county or precinct officer, including an elected county executive, except a county commissioner or county council member, may, with the consent of the county legislative body, appoint deputies and employees as necessary for the discharge of the duties of the officer's office.
 - (b) The county legislative body's consent power under Subsection (1)(a) shall be defined in county ordinance and may include consent by:
 - (i) the budget approval process;
 - (ii) approval of an allocation of a certain number of positions; or
 - (iii) approval or disapproval of the hiring of individual applicants.
 - (c) A county legislative body may by ordinance delegate to the county executive the authority to consent to the appointment of deputies and employees under this Subsection (1).
- (2) If the county clerk performs district court clerk functions, the legislative body of that county shall provide the clerk with deputies and employees for the business of the district courts as considered necessary and advisable by the judge or judges of the district court, consistent with the level of funding for clerk services from the court administrator's office.
- (3)
 - (a) Each officer appointing a deputy shall, for each deputy appointed, file a signed writing with the county clerk that memorializes the appointment.
 - (b) The officer appointing the deputy is liable for all official acts of the deputy.
 - (c) If the office of the officer who appointed the deputy becomes vacant, the deputy may continue to serve despite the vacancy.

Amended by Chapter 241, 2001 General Session